

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EDDIE L. HUGLEY, JR.,)	
)	
Petitioner,)	
vs.)	NO. CIV-10-336-D
)	
H. A. RIOS, JR., WARDEN, et al.,)	
)	
Respondents.)	

ORDER

Petitioner, a federal prisoner who appears *pro se*, brought this action seeking habeas corpus relief pursuant to 28 U. S. C. § 2241 and § 2242. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings.

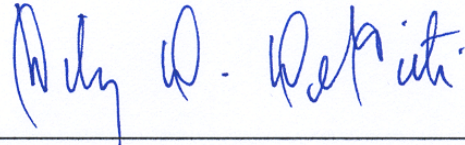
On May 19, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 5] recommending dismissal of the action, concluding that 28 U. S. C. § 2255 provides the exclusive remedy for Petitioner's substantive claims. The Magistrate Judge also noted that Petitioner states he is not pursuing a § 2255 claim, and expressly asks that the Court not construe his request for relief as a § 2255 motion. *See* Petition, pp. 4-5. Accordingly, the Magistrate Judge recommended that the action be dismissed rather than recharacterized as a § 2255 action.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections, and he scheduled a June 7, 2010 deadline for the filing of such objections. He further expressly cautioned Petitioner that a failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

Petitioner did not filed an objection to the Report and Recommendation, nor did he seek an

extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No.5] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, this action is dismissed.

IT IS SO ORDERED this 25th day of June, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE